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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,832	03/13/2004	Susan Lawrence	1341	8471

40313 7590 04/17/2006

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EXAMINER

AHMAD, NASSER

ART UNIT PAPER NUMBER

1772

DATE MAILED: 04/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

CN

Office Action Summary	Application No. 10/799,832	Applicant(s) LAWRENCE, SUSAN	
	Examiner Nasser Ahmad	Art Unit 1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Indicated Allowability Withdrawn

1. Indicated allowability of claim 7 made in the last Office Action is withdrawn in view of the new grounds of rejection made hereinbelow.

Rejections Withdrawn

2. Claims 1-3, 8-9 and 12-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Pederson (2001/003872) made in the last Office Action has been withdrawn in view of the amendment filed on February 2, 2006.
3. Claims 1-3, 8-9 and 12-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Byne (3936944) made in the last Office Action has been withdrawn in view of the amendment.
4. Claims 4-6 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pederson in view of Eggertsen (4351113) has been withdrawn in view of the amendment.

Response to Arguments

5. Applicant's arguments with respect to claims 2-11 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eggertsen (4351113) in view of Pederson (2001/0003872).

Eggertsen discloses a measuring tape with adhesive on its back surface and printed measuring information on its front surface (see drawings). The tape is in a roll form and can be $\frac{3}{4}$ inches wide (col. 3, lines 67-68) to provide for facilitating storage and transportation. However, Eggertsen fails to teach the presence of an adhesive layer over the printed surface of the tape. Pederson relates to a tape device comprising a roll of tape having a first and second end, a first and second edge, and a first and second surface, and a coating of releasable adhesive is disposed on the measuring indicia printed surface of the tape (figure-2; and abstract). The tape is flexible and fabricated from paper (paragraph-[0028]). Therefore, it would have been obvious to one having ordinary skill in the art to utilize Pederson's teaching of adhesive on the printed surface of the tape in the invention of Eggertsen with the motivation to protect the printed indicia and facilitate adhering two surfaces together.

Regarding claims 5 and 6, it would have been obvious to optimize the tape width for facilitating storage.

As for claims 10 and 11, it is conventional and well known in the measuring tape art to provide measuring indicia in inches and centimeters along opposite edges.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 2-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7, as recited, is found to be indefinite because it is not clear as to the location of the printed indicia with respect to the adhesive layer when disposed on the same surface of the tape.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nasser Ahmad whose telephone number is 571-272-1487. The examiner can normally be reached on 7:30 AM to 5:00 PM, and on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Nasser Ahmad 4/14/06
Primary Examiner
Art Unit 1772

N. Ahmad.
April 14, 2006.